

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

SYMBOLOGY INNOVATIONS, LLC,

Plaintiff,

v.

VALVE CORPORATION, GEARBOX  
SOFTWARE, L.L.C.,

Defendants.

Civil Action No. 2:23-cv-00419-JRG

**JURY TRIAL DEMANDED**

**DECLARATION OF JESSICA M. KAEMPF IN SUPPORT OF DEFENDANT  
GEARBOX SOFTWARE, L.L.C.'S MOTION TO DISMISS SECOND AMENDED  
COMPLAINT**

I, Jessica M. Kaempfer, declare as follows:

1. I am an attorney admitted to practice before this Court and am an associate with the law firm of Fenwick & West LLP, counsel for Defendant Gearbox Software, L.L.C. (“Gearbox”). I make this declaration in support of Defendant Gearbox’s Motion to Dismiss Second Amended Complaint Under Rule 12(b)(6) For Failure to State a Claim.

2. On November 21, 2023, Garteiser Honea, PLLC served Symbology’s infringement contentions pursuant to Patent Local Rule 3-1 on Gearbox (“Symbology’s Preliminary Infringement Contentions”).

3. In the cover page for Symbology’s Preliminary Infringement Contentions, the section identifying the Accused Instrumentalities states in its entirety: “*Valve products* that utilize QR codes, including but not limited to *the Valve Mobile App (Steam)*, as depicted in the exemplar charts shown for Gearbox Software.” (emphases added). Symbology’s Infringement Contentions assert that “upon information and belief” Gearbox infringes directly “at least during internal testing of the functionalities described herein,” but provide no additional facts in support of this allegation of direct infringement through the internal testing of Gearbox.

4. Symbology’s Infringement Contentions also assert that Gearbox “performs and induces others to perform” the methods claimed in the asserted patents by inducing “its customers to sign in on Steam application (provided by Valve Corporation) in order to access and purchase [Gearbox’s] games.” Symbology’s Preliminary Infringement Contentions do not explain how Gearbox induces its customer to sign in on the Steam application in an allegedly infringing manner or otherwise provides additional facts in support of its allegation of induced infringement. Nowhere in Symbology’s Preliminary Infringement Contentions does Symbology allege that Gearbox has had knowledge of the QR code used by Valve’s customers to sign in to Valve’s Steam application, or that Gearbox has had knowledge of Symbology’s contention that such QR code is

allegedly infringing, or that that Symbology contends Gearbox induced customers to use that QR code.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 27th day of February, 2024.

/s/ Jessica M. Kaempf  
Jessica M. Kaempf

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system.

Dated: February 27, 2024

/s/ Jessica M. Kaempf  
Jessica M. Kaempf